

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**January 15, 2013**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, January 15, 2013 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

**1. CALL TO ORDER:**

Chairman Harley called the meeting to order at 7:05 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):**

Clerk Margiotta called the roll as follows:

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Antonio Margiotta, Clerk	✓		
Joseph Hammer		✓	
George Oickle	✓		
Anthony Homicki		✓	
James Hughes		✓	
Dave Edwards	✓		
Angelo Robert Fazzina	✓		
Thomas Dean (alternate)	✓		
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)		✓	

Also present: Peter Gillespie, Town Planner/Economic Development Manager;  
Denise Bradley, Assistant Planner;  
Michael Turner, Town Engineer;  
Director of Maintenance and Operations, Fred Bushey;  
Wethersfield High School Principal, Thomas Moore;  
Christine Fortunato, Chairperson, Building Committee;  
J. Edward Brymer, Jr., Vice Chairperson, Building Committee

Chairman Harley noted at the time of roll call there were six (6) full members and two (2) alternate members in attendance. All members present to participate.

Members of the Public were present.

**2. OLD BUSINESS:**

**2.1 APPLICATION NO. 1785-12-Z: TO Design, LLC** Seeking Site Plan and Design Review for renovations and additions to the building and site at 411 Wolcott Hill Road (Wethersfield High School).  
--- Continued from 12-18-12 and 01-02-13 PZC Meetings.

Mark Fisher of TO Design, LLC; Stephen Ullman, P.E. of Alfred Benesch & Company (note: Purcell Associates, Inc. is now affiliated with Alfred Benesch & Company); and Michael Turner, Town Engineer appeared before the Commission Seeking Site Plan and Design Review for renovations and

additions to the building and site at 411 Wolcott Hill Road (Wethersfield High School). [Rusty Malik, Educational Architect, Quisenberry & Arcari Architects, LLC, was unable to attend this hearing]

The Commissioners, Mr. Fisher, Mr. Ullman, Mr. Turner, and Mrs. Fortunato continued the discussion of this Application which was heard at the December 18, 2012 and January 2, 2013 Planning & Zoning Commission Public Hearing and Meetings with the focus being on vehicle and pedestrian traffic patterns in and around the site.

[Note: At the previous meeting, Mr. Malik reviewed the various Site Plan Options that were considered and discussed with the Building Committee and Town Staff (including Police and Fire Departments) and highlighted the significant modifications with the Commissioners to explain why Site Plan Option D3 is being presented for Commission consideration. The Commissioners received the Traffic Impact Study on December 19, 2012, which was prepared by Alfred Benesch & Company. The Traffic Impact Study noted existing conditions, the impact of proposed development, capacity analyses of surrounding roadways and conclusions in consideration of the WHS Renovate-as-new Project that was approved in the April 24, 2012 referendum vote.]

The Building Committee brought Site Plan Option H before the Commission for consideration at this meeting. Mr. Turner explained that this option attempts to address the conflict raised by the Commission pertaining to Students parking on site and parents cueing in the designated area of Site Plan Option D. Mr. Fisher noted the result in creating Site Plan Option H is a more controlled environment, as buses will cue in one area and leave together.

Mr. Fisher explained the area for bus drop off, as well as parent drop off, have been re-directed. The buses will enter and exit from Wolcott Hill Road. Students may enter on Wolcott Hill Road and travel south to the Student Parking Area, as well as to the entrance. The parent drop off will be off of Jay Street, and a sidewalk will be added on Eagle Drive to facilitate parent drop off. There will be approximately five hundred fifty (550) parking spaces, and twenty five (25) of those spaces are for handicapped parking. The allocation method used for calculating parking was three (3) cars per seats available, and the capacity of the building is for one thousand, six hundred (1,600) people. There are fifty three (53) additional parking spaces on the south side of the site that are not included in the parking calculations, and Mr. Turner noted those spaces will be put out to bid at another time and will not be part of this project.

Commissioner Oickle inquired and Mr. Fisher indicated Jay Street and Folly Brook Boulevard will remain two (2) way roads.

Commissioner Oickle inquired and WHS Principal, Mr. Moore, indicated there is a staggered traffic flow. He noted full capacity events occur usually during a large scale football game, a band, or chorus event. He also noted the Fire Marshall has requested that multiple large events not occur at the same time.

Chairman Harley inquired and Mr. Ullman, indicated Eagle Drive would remain one way, westbound, and an additional lane would be added on Folly Brook Boulevard so that there will be a left turn lane and a right turn lane exiting Folly Brook Boulevard (as there is right of way available) to potentially lower the queue from 150-200 feet to 40-50 feet for a left hand turn. A physical construction is required as the road is currently thirty (30') feet wide.

Mr. Ullman provided the following Traffic Accident Information for the years 2008-2010 at the vicinity of: 1) Cottwell Drive and Wolcott Hill Road (WHS driveway), there was one (1) crash involving a vehicle turning left into WHS and a southbound vehicle, and the left turning vehicle was cited for failure to granting the right of way. Lt. Crabtree of Wethersfield Police Department verified this information was in line with that area; 2) Folly Brook Boulevard and Wells Road noted two (2) crashes [one (1) crash was a deer strike and the other was a left turn into Folly Brook Boulevard]; and 3) Jay Street and Wells Road noted five (5) crashes, three (3) of which were left turns onto Wells Road at the 2:00 p.m. timeframe; one (1) accident was a rear end crash (cars traveling south) and the other was due to slippery conditions (snow). He recommended cross walks, etc., in the bus drop off area.

Vice Chairman Roberts inquired and Mr. Turner indicated there are nine (9) large buses and some smaller buses (CREC) that will travel in the bus queue area along the east side of the building. Mr.

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**January 15, 2013**

Turner and Mr. Ullman confirmed the current plan is to block off the southeast portion of the driveway for cut through traffic (make it gated for flexibility). Mr. Turner confirmed the requirements of the Fire Marshal Dignoti that the striped fire lanes and the width for the turns for the northeast access (WV50 access) have been satisfied.

Commissioner Edwards inquired and Mr. Turner indicated teams may use the bus turnaround for sports equipment drop off (equipment for field use).

Commissioner Oickle inquired and Mr. Turner indicated Wolcott Hill Road will be restriped for designated turn lanes (southbound left turn lane into Cottwell Drive and northbound left turn into Wethersfield High School) to discourage student drop off right at the school driveway.

Commissioner Vasel inquired and Mr. Ullman indicated the staff/teacher parking area will not conflict with the proposed traffic pattern, as staff/faculty typically leave after the parent pick up time is over. Principal Moore indicated that Teachers leave at 2:30 p.m.

Chairman Harley inquired and Mr. Ullman indicated that minor changes can be made after the circulation patterns have been established.

Chairman Harley referred to the Memorandum from Peter D. Gillespie, Economic Development Manager/Town Planner and Mike Turner, Town Engineer to the Wethersfield Planning & Zoning Commission dated January 15, 2013, noting it as part of the record, and Mr. Gillespie reiterated the details of said Memo. There will be a revised Plan submitted, and the mylars will be signed by the Commission at a later time.

**PUBLIC COMMENTS:**

There were no comments made by the public during this meeting regarding this matter.

**Motion:** Vice Chairman Roberts made a motion to approve **APPLICATION NO. 1785-12-Z: TO Design, LLC** Seeking Site Plan and Design Review for renovations and additions to the building and site at 411 Wolcott Hill Road (Wethersfield High School) subject to the conditions set forth in the Memorandum from Peter D. Gillespie, Economic Development Manager/Town Planner and Mike Turner, Town Engineer to the Wethersfield Planning & Zoning Commission dated January 15, 2013, as corrected by Commissioner Dean.

**DISCUSSION:**

Commissioner Oickle suggested the determination of Eagle Drive use shall be made by Town Staff (Town Engineer, Building Official, Traffic Safety Officer, Town Planner, and Fire Marshal).

Vice Chairman Roberts suggested the management of traffic operations, other than actual site changes, shall be determined by Town Staff, as noted in the previous paragraph.

**Second:** Commissioner Oickle seconded the motion.

Aye: Harley, Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel;

Nay: None;

Vote: 8 – 0;

**This Application was Approved with Conditions.**

**3. NEW BUSINESS:**

**3.1 PUBLIC HEARING APPLICATION NO. 1786-12-Z: Leonard Sande III** Seeking a Special Permit in accordance with Section 5.7 of the Wethersfield Zoning Regulations for a General Repairer's License and outside storage yard at 61 Arrow Road. --- Continued from 01-02-13

Mr. Leonard Sande, III, appeared before the Commission regarding his Application and noted he is responding to concerns expressed at the last meeting from residents of the condominium community that abuts the site. He mentioned his plan to re-establish the buffer with a willow hybrid type of tree for fast growth around the perimeter of the fencing [six (6') foot slotted fence with canal irrigates, as he mentioned at the previous hearing] proposed storage yard (50' x 50') area, as the property owner is unwilling to re-establish the buffer recently removed along the entire west border of the property. The Applicant mentioned any lighting installed would point in directions south, southwest, and southeast, as to not directly shine on the abutting neighborhood. He noted his plan is to operate at the proposed site for approximately three to five (3-5) years with the intent to expand this business at a new location thereafter.

[The following information is taken from January 2, 2013 Planning & Zoning Commission Public Hearing and Meeting Minutes and has been placed in this Meeting's Minutes for reference purposes:

Mr. Leonard Sande, III, appeared before the Commission regarding his Application. He would like to operate the repair portion of his business at the site Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 3:00 p.m. The repair portion of his business would be closed on Sunday. The towing operation and storage yard hours (vehicle release) would occur twenty four (24) hours a day, seven (7) days a week (Sunday through Saturday). There will be a total of three (3) employees (including him). There will be three (3) vehicles used for the business [two (2) light-duty wreckers and one (1) light/medium duty car carrier (flatbed)]. There will be a designated impound area for vehicles towed to the site. The business would be located in Unit #1 (back unit, end of building) at 61 Arrow Road.

Chairman Harley noted for the record the December 31, 2012, Memorandum to the Planning and Zoning Commission from Peter D. Gillespie, Economic Development Manager/Town Planner and Denise Bradley, Assistant Planner regarding this Application.

Mr. Gillespie indicated the Applicant is seeking a general repairer's license in addition to the outside storage yard use which would involve tow operations. The Site Plan provided by the Applicant shows a general depiction of the impound area and noted that more information is needed regarding the details of the improvements for that area. The impound area would be located off the Russell Road side of the property (north side of the property). The area circled on the Plan is Unit #1 (located on the back side of the building and closest to Russell Road), which he intends to occupy.

Mr. Gillespie indicated his Memo mentioned notes Unit #1 is subject to an environmental land use restriction and easement to the State DEEP and that the Applicant needs to review the proposed improvements to the interior with the State DEEP to make sure he is not exposing that area which is below the foundation level of the property.

Mr. Gillespie mentioned that the property owner recently removed an area of dense brush and trees to the north which had provided a buffer to the site, its parking lot and to the adjacent property owners of the Crossings residential condominium development located to the north of the site.

Additionally, site improvements previously required for the development of this property have not yet been completed. Mr. Gillespie mentioned that a condition for an approval may include the establishment of a buffer replaced to a certain extent and more particularly in the proposed impound area.

Mr. Gillespie noted that in terms of zoning, the requested use is not permitted, as the site is located in the Business Park (BP) Zone. He indicated that the Applicant applied for and received a use variance from the Zoning Board of Appeals to operate an automotive repair business with one of three stipulations being that Planning & Zoning Approval is required (refer to Certified correspondence from the Wethersfield Zoning Board of Appeals to Mr. Leonard Sande, III, dated October 25, 2012).

Mr. Gillespie also noted that approvals for the entire property made in the 2006-2008 year timeframe had explicit improvements tied to the next building that have not been completed, and this subject Application is affected by the lack of follow-through on those approvals.]

Chairman Harley inquired and the Applicant indicated the landscaper would provide an accurate estimate, after reviewing the area, as to how many shrubs are necessary for the screened-in storage area.

Commissioner Oickle thanked the Applicant for attempts to address site concerns despite the property owner's decision not to attend the hearings, as requested by the Commission regarding this Application. He noted a site plan and draft proposal details of the Applicant's details described at the Commission meetings are necessary on paper as to properly review this Application. He noted there is a lack of pavement and derelict conditions (storage of trailers, unused vehicles/boats) that make the area appear unkempt.

Chairman Harley inquired and the Applicant noted there is agreement with the property owner and he that the fenced in storage yard (50 x 50) area can be located closer (moved in a southerly direction in the rear of the lot) to the existing building. The Applicant mentioned the property owner stated they will not attend a Planning & Zoning Meeting regarding this Application. He agreed with Commissioner Oickle that details need to be shown on a Plan.

Commissioner Oickle indicated there is uncertainty in the twenty four hour a day, seven days per week operation noted in this Application and its compatibility with the neighborhood. The Applicant indicated there is not much room for compromise in terms of the business operation other than re-establishing a buffer around the storage area and adherence to noise decibel levels dictated by Town Ordinances. Chairman Oickle inquired and the Applicant indicated that he is not willing to pave a portion of the back lot and that the property owner is not willing to do so. Chairman Oickle noted he recently visited the residential area next to the site and mentioned the likelihood of the deciduous tree and shrubbery buffer recently removed by the property owner acted as a barrier between it and the pristine neighborhood abutting it.

Chairman Harley mentioned he could not consider a concept for an approval, as details described by the Applicant for this site need to be depicted on a plan. He asked the audience to consider in their reply: 1) the Applicant having the proposed storage area located closer to the main building; and 2) a response regarding the amount of screening expected to ensure a level of comfort with the proposed business operating at the proposed location, and 3) the consideration of the proposed six to eight (6'-8') foot chain link fence with slats with vegetated screening around it. Chairman Harley noted the public would also be able to comment in the future after a detailed Plan was submitted.

### **PUBLIC COMMENTS:**

Elaine Ihnat, 92 Schoolhouse Crossing, appeared before the Commission in opposition to this Application. She noted that having the proposed impound lot moved closer to the main building is better, but the proposed business for said location is not optimal. She is also concerned with the noise

and lighting affecting her residential neighborhood that would be associated with the twenty-four (24) hour, seven (7) days per week commercial business operation proposed.

Mary Raum, 10 Tanner Crossing, appeared before the Commission in opposition to this Application. She thanked the Commission for their attention to this Application and noted there is nothing personal against the Applicant or his business, and realizes the Town wants to be business friendly. She noted moving the proposed impound lot further south, positioning the lighting on the north side of the building and directing it south and establishing a buffer along the fenced in area would make the Application a lot more acceptable. She noted, however, concerns of noise from the proposed business that would be associated with the twenty-four (24) hour, seven (7) days per week commercial business operation proposed, as it would adversely affect the tranquility of her quiet residential neighborhood (as well as property values). She believes granting this Application would reward the land owner for bad behavior, as there has been a lack of compliance with conditions to previous permits for this site in several instances. She noted many property owners in the abutting neighborhood want to see a restoration of the recently removed buffer, as well as a buffer around the entire perimeter of the property. She asked if this Commission has the authority to require the property owner to comply with previous conditions for this site. She noted Russell Road is the access street to her abutting neighborhood and cannot be avoided. As such, she concluded her neighborhood is adversely affected by the blight of the subject property.

Commissioner Oickle inquired and Ms. Raum indicated that the existing businesses at the site basically operate from the hours of 9:00 a.m. to 5:00 p.m. and are no problem for the abutting neighborhood, and described the area as pastoral at night.

Lorraine Zera, 19 Potter Crossing, appeared before the Commission in opposition to this Application. She is concerned with the property owner's commitment of allowing, to any extent, of any type of buffer restoration on or along the property. She noted requirements established for the property in at least the past six (6) years have not resulted with compliance. She has oil/gas leakage concerns and their adverse affects on the environment, including and not limited to ground water, due to lack of pavement in area. She mentioned the condominium community is over 90% owner occupied (not rented) and the neighborhood boasts pride in its appearance by way of its landscaping and general upkeep.

Chairman Harley noted, for example, if paving of surface was a condition for this Application, the proposed business would not be allowed to operate without that condition being met.

Commissioner Fazzina inquired and Chairman Harley indicated the property owner was formally asked to appear at this hearing for this subject Application and the property owner chose not to do so.

Mr. Gillespie indicated the property owner declined attendance at this meeting. He stated the building was divided into twelve (12) sub units and that the division did not change parking requirements for the property. He noted, however, there were conditions for the property that have not been met by the owner and that the property owner disagrees with conditions. He indicated the property owner's counsel and the Town are working on this issue, and the Town zoning officer may weigh in on the issue.

Chairman Harley inquired and Mr. Gillespie mentioned drainage, landscape islands and paving are issues for the parking lot that were addressed in previous Applications for the property.

Ms. Raum noted that Town Regulations state that as a minimum, a commercial property owner must buffering the view of their site from the street (i.e. Russell Road in this instance), unless this Commission waived that requirement.

Rose Germano, 17 Tinsmith Crossing, appeared before the Commission in opposition to this Application. She the property owner has blighted the appearance his site which has negatively affected the property values of the abutting neighborhood. She noted that the addition of the business proposed will compound the effect. She questioned why action has not been taken against the site owner for removal of the buffer area. She noted the subjection to blight continues, as Lamore's Service Station Towing recently placed DiGiorgi trucks on the rear lot at the site.

Christina Divincenzo, 31 Sawmill Crossing, appeared before the Commission in opposition to this Application. This Application's proposed twenty-four (24) hour, seven (7) days per week commercial

business operation coupled with the proposed one hundred seventy (170) unit subdivision created by Toll Brothers will not be complimentary to the abutting neighborhood. She noted that 61 Arrow Road was previously buffered from the existing neighborhood and that the level of business activity at the subject site will be extremely different with an adoption of this Application, coupled with the loss of the buffer, than the level of business activity generated from the tenants currently located at the site. She noted there is junk piling up on the property. She believes the Applicant was chosen the wrong location for a twenty-four (24) hour, seven (7) days per week commercial towing business, as described, and noted it is not feasible for the abutting residential property owners to allow a special permit for the aforesaid business activity.

Donna Clough, 12 Tinsmith Crossing, appeared before the Commission in opposition to this Application.

The Applicant indicated that if he cannot open his business due to the property owner's lack of accommodating conditions regarding paving of the lot and plantings, then he (Applicant) may consider withdrawing his Application.

Mr. Gillespie noted the Commissioners would separate this Application with the property owner's transgressions and outstanding permit issues. Mr. Gillespie also noted there are overlapping areas affecting this Application. Mr. Gillespie mentioned a repaving of the parking lot would not be expected to be completed by the Applicant, but if the Applicant was willing to do some landscaping it may help. He mentioned he does not expect the Commission to attach a condition to this Application, if it was to be approved, requiring the property owner to clean up the site prior to opening his business. He noted there are things the property owner would have to approve (as those matters would run with the property, and the property owner would ultimately be responsible for) prior to the Applicant returning to the Commission with a revised Plan at the next meeting.

Chairman Harley inquired and Mr. Gillespie indicated that in terms of a next step for the Applicant, a notification (letter or e-mail) from the property owner, Mr. Tartaglia, noting the revised plan of the Applicant has been seen by him (owner) and that he (owner) agrees to the obligations can be sent to Mr. Gillespie for placement on the record.

Vice Chairman Roberts mentioned concerns regarding asserting compliance with this Application to DMV given the status of this property.

Mr. Gillespie indicated DMV asks solely that the use has zoning approval for the location.

Commissioner Oickle mentioned the use regarding this Application is different than what appears to be for all the other tenants at the site, as the proposed business is a more intensive use of the site [twenty-four (24) hour, seven (7) days per week commercial towing business].

Commissioner Margiotta recommended that in order to consider this Application, the following details to be included: 1) site accessible from Arrow Road only (via Berlin Turnpike); 2) an oil containment system in place for the back lot to address fluid spills (petroleum); and 3) vehicles should not be stored outside the fenced in impound lot.

Applicant noted it is procedure to take care of spillage and contain material at area of pickup.

Commissioner Oickle is hesitant of the use proposed in this Application for this area. He noted his concerns for the property owner's fulfillment of obligations necessary to open the proposed business at the site. He also noted that he will review all information once there are more details provided in a revised Plan. He mentioned there is a high percentage of tenant occupancy at the site and questions why more site compliance details have not been met.

Chairman Harley suggested that strong screening and closer proximity of the impound lot to the existing structure are matters the property owner needs to agree to.

**Motion:** Vice Chairman Roberts made a motion to continue the public hearing to Tuesday, February 5, 2013, of **PUBLIC HEARING APPLICATION NO. 1786-12-Z: Leonard Sande III** Seeking a Special Permit in accordance with Section 5.7 of the Wethersfield Zoning Regulations for a General Repairer's License and outside storage yard at 61 Arrow Road.

**Second:** Commissioner Margiotta seconded the motion.

Aye: Harley, Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel;

Nay: None;

Vote: 8 – 0;

**This Public Hearing was continued to Tuesday, February 5, 2013.**

#### **4. OTHER BUSINESS:**

There was no Other Business discussed at this meeting.

#### **5. MINUTES – January 2, 2013 Planning & Zoning Commission Meeting Minutes:**

**Minutes of the January 2, 2013 Meeting of the Planning & Zoning Commission will be reviewed for vote at the next Meeting.**

#### **6. STAFF REPORTS:**

Mr. Gillespie mentioned that on January 10, 2013, the Town received a citation of an appeal pending regarding the denial of **APPLICATION NO. 1781-12-Z [Matthew W. Cooper** Seeking a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of a rear lot at 130 Hartford Avenue].

Mr. Gillespie also mentioned Mr. Chalder of Planimetrics has made the minor revisions to the Draft 2013 Plan of Conservation and Development and that the public hearing for plan adoption will be advertised in the near future.

Mr. Gillespie indicated there is a meeting scheduled for 12:00 p.m. on Wednesday, January 16, 2013 at the Webb Dean Stevens House for the planning study and process to begin with the consultant, stakeholder groups, and subject property owners, as a result of the Town receiving a grant from the CT Trust for Historic Preservation to complete a planning study of the Masonic building and Comstock Ferre property on Main Street. A Community Meeting to discuss the planning study and its subject sites will be scheduled in mid February 2013.

#### **7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.**

There were no public comments made at this meeting regarding general matters of planning and zoning.

#### **8. CORRESPONDENCE:**

There were no items of correspondence discussed at this meeting.



**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

There were no pending applications discussed during this meeting.

**10. ADJOURNMENT:**

**Motion:** Commissioner Oickle motioned to adjourn the meeting at 8:52 p.m.

**Second:** Vice Chairman Roberts seconded the motion.

Aye: Harley, Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,  
Ellen Goslicki, Recording Secretary